

Message

---

**From:** Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]  
**Sent:** 4/4/2017 3:12:08 PM  
**To:** Welles, Laura [Welles.Laura@epa.gov]  
**Subject:** RE: Fourth Whole Foods CAFO Conference Call

8-10 is civil judicial, which was done. I don't think inspections (8-8) was covered.

---

**From:** Welles, Laura  
**Sent:** Tuesday, April 04, 2017 11:07 AM  
**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>  
**Subject:** RE: Fourth Whole Foods CAFO Conference Call

FYI – I just looked through the originals (AA to OCE OD to WCED DD and so on). 8-8 and 8-10A are included, but 8-9-A is not included.

---

**From:** Welles, Laura  
**Sent:** Tuesday, April 04, 2017 11:04 AM  
**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>  
**Subject:** RE: Fourth Whole Foods CAFO Conference Call

It's my understanding that 8-9-A was not part of the recent redelegations in WCED.

---

**From:** Fogarty, Johnpc  
**Sent:** Tuesday, April 04, 2017 9:37 AM  
**To:** Welles, Laura <Welles.Laura@epa.gov>  
**Subject:** RE: Fourth Whole Foods CAFO Conference Call

It would be the one signed by Susan redelegating signature authority to the WCED DD.

---

**From:** Welles, Laura  
**Sent:** Tuesday, April 04, 2017 9:35 AM  
**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>  
**Subject:** RE: Fourth Whole Foods CAFO Conference Call

Yep – I'll track it down.

---

**From:** Fogarty, Johnpc  
**Sent:** Tuesday, April 04, 2017 9:34 AM  
**To:** Welles, Laura <Welles.Laura@epa.gov>  
**Subject:** RE: Fourth Whole Foods CAFO Conference Call

**Ex. 5 Deliberative Process (DP)**

---

**From:** Welles, Laura  
**Sent:** Tuesday, April 04, 2017 8:43 AM  
**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>  
**Subject:** FW: Fourth Whole Foods CAFO Conference Call

# Ex. 5 Deliberative Process (DP)

---

**From:** Wenisch, Michelle

**Sent:** Monday, April 03, 2017 2:59 PM

**To:** Welles, Laura <Welles.Laura@epa.gov>

**Cc:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>

**Subject:** Fourth Whole Foods CAFO Conference Call

Hi all, the Board would like me to proceed with our conference call for tomorrow, April 4, 2017, beginning at 3 p.m. EDT. We can use the same conference line and access code, which are **1-866-299-3188** and **2022330122#**, respectively. I look forward to speaking with all of you tomorrow.

Thank you,

Michelle Wenisch  
Senior Counsel  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
202-233-0120

---

**From:** Wenisch, Michelle

**Sent:** Friday, March 31, 2017 4:17 PM

**To:** Welles, Laura

**Cc:** Fogarty, Johnpc; Jennifer Hartman King; John Hempfling (CE CEN)

**Subject:** Re: Whole Foods CAFO -- follow up to today's conference call

Hi Laura, thank you very much for that information. We will review it and be in touch early next week.

Best regards,  
Michelle Wenisch  
Senior Counsel  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
202-233-0120

---

**From:** Welles, Laura

**Sent:** Friday, March 31, 2017 4:10 PM

**To:** Wenisch, Michelle

**Cc:** Fogarty, Johnpc; Jennifer Hartman King; John Hempfling (CE CEN)

**Subject:** Whole Foods CAFO -- follow up to today's conference call

Dear Michelle:

Per our discussion this afternoon, attached please find a list of civil judicial cases entered this year with SEPs or mitigation, as well as a list of administrative cases with SEPs approved in 2017. Also attached is the U.S. v. U.S. Steel consent decree, along with the opinion and order approving the motion to enter the consent decree. As John Fogarty explained during our call, the U.S. Steel settlement includes a SEP that is similar to the SEP in the EPA/Whole Foods Market consent agreement (see Appendix A, page 75 of the consent decree).

Hopefully the attached documents address/resolve the issues we've been discussing and so there may not be a need for Tuesday's conference call.

Please let me or John know if you have any questions.

I hope you have a good weekend.

Thanks,  
Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754